

UNITED STATES DISTRICT COURT

FOR THE
WESTERN DISTRICT OF NORTH CAROLINA

Vito Antonio Laera

Plaintiff

V.

United States, and,
Robin S. Rosenbaum, and,
Patrick M. Hunt, and,
Jonathan Goodman, and,
Joan A. Lenard, and,
William H. Pryor Jr., and,
Julie E. Carnes, and,
Stanley Marcus

Defendants

Case 3:15-cv-00371

Hand-Delivered

FILED
CHARLOTTE, NC

MAR 28 2016

U.S. DISTRICT COURT
WESTERN DISTRICT OF NC

MOTION TO CORRECT AND AMEND COMPLAINT

AND

MOTION TO EXTEND THE TIME FOR SERVICE

I hereby ask the court to allow me 45 days to correct, cure and amend my complaint under unexpected circumstances.

Judge Keesler, on ECF 009 filed on 02/01/2016 you wrote;

"DISCUSSION It appears that there has been no initial attorney's conference to date, and that no discovery has taken place thus far. Furthermore, the undersigned is not persuaded that there is sufficient evidence of prejudice, bad faith, or futility to outweigh the policy favoring granting leave to amend. Although Plaintiff's request for leave to amend lacks sufficient explanation, the undersigned finds that it will be in the best interest of the parties for the *pro se* Plaintiff to have one more opportunity to "correct cure and amend" the Complaint. After careful consideration of the record and the motions, the undersigned finds that Plaintiff's motion to amend should be granted; however, barring extraordinary circumstances, further amendments to the Complaint are unlikely to be allowed.

I am in receipt of the defendant's motion to dismiss ECF 013 dated 03/14/2016. I was concerned that if I made another mistake you would not allow me to make further amendments to my complaint, so I took this motion to two lawyers and they both declined to help me. One even said "Attorneys who practice in federal court will be reluctant to pursue a lawsuit against sitting judges." I even asked one of them to just help me reply to the motion but they said that would be considered ghosting.

I ask you to grant me 45 days to correct, cure and amend my complaint. I will use this time to look for a lawyer that is willing to help me and in the event that I can't find one I will do my best to correct the complaint as a pro se and pray this court construes my inartful pleading.

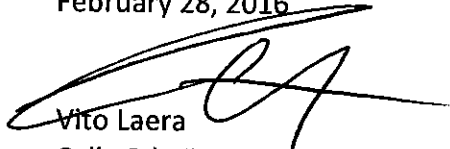
Furthermore I ask that the court grant me an extension of 45 days of time for service. This stuff is hard judge and I am doing my best to read up on all the laws and figure out the right way to do things, my failure in properly serving the defendants the first time is due to my ignorance in law, if I had known the proper way I would have done it the first time.

4(m) Time Limit for Service. If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. **But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.** This subdivision (m) does not apply to service in a foreign country under Rule 4(f) or 4(j)(1) or to service of a notice under Rule 71.1(d)(3)(A).

Errors and omissions expected. The failure to specify any particular act of misconduct should not be construed as tolerance thereof. The Defendants errors and violations in the related cases have diminished my confidence and trust in the USA judicial system and depleted any trust or confidence in it. Supreme Court precedent instructs federal courts liberally to

construe the "inartful pleading" of pro se litigants, because I am a prose litigant I ask that this court liberally construe this inartful pleading.

February 28, 2016

A handwritten signature in black ink, appearing to be 'Vito Laera', written over a horizontal line.

Vito Laera
Calle 2da #15 interior
Entre Estrada Palma y Central Mambí
Guanabacoa, Habana, Cuba

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Defendants

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CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing MOTION TO CORRECT AND AMEND COMPLAINT AND MOTION TO EXTEND THE TIME FOR SERVICE was served upon Defendants via FedEx, on this date, addressed to the court and:

US Attorneys Office
Tiffany M. Mallory
227 W Trade Street, Suite 1650
Charlotte, NC 28202

February 28, 2016


Vito Laera

Calle 2da #15 interior
Entre Estrada Palma y Central Mambi
Guanabacoa, Habana, Cuba

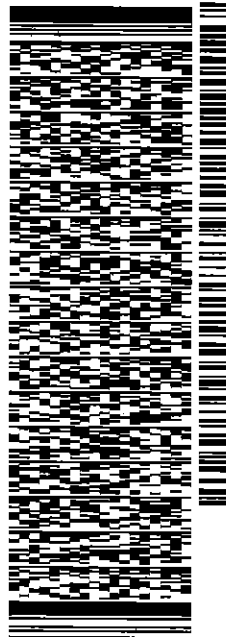
ORIGIN ID:PNVA (800) 800-8000
VITO LAERA
123 FOUR FIVE STREET
CHARLOTTE, NC 28217
UNITED STATES US

SHIP DATE: 28MAR16
ACTWGT: 0.20 LB
CAD: 8001444/NET3730

BILL SENDER

TO **TIFFANY M. MALLORY**
US ATTORNEYS OFFICE
227 W TRADE STREET
SUITE 1650
CHARLOTTE NC 28202
REF: (704) 344-6222
INV: PO: DEPT:

540J1/CF34/727F



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